

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MASSACHUSETTS DEVELOPMENT)
FINANCE AGENCY)
Plaintiff,)

v.)

C.A. No. 04 CV 10203 PBS

ADP MARSHALL, INC., a FLUOR)
DANIEL COMPANY, and FIREMAN'S)
FUND INSURANCE COMPANY)
Defendants.)

ADP MARSHALL, INC.)
Plaintiff-in-Counterclaim,)

v.)

MASSACHUSETTS DEVELOPMENT)
FINANCE AGENCY)
Defendant-in-Counterclaim.)

ADP MARSHALL, INC.)
Third Party Plaintiff,)

v.)

ALLIED CONSULTING ENGINEERING)
SERVICES, INC., ANDOVER CONTROLS)
CORPORATION, R&R WINDOW)
CONTRACTORS, INC., and DELTA)
KEYSPAN, INC. n/k/a DELTA)
KEYSPAN, LLC et al.)
Third Party Defendants.)

**ADP MARSHALL, INC.'S RESPONSE TO SPAGNOLO/GISNESS &
ASSOCIATES, INC.'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS**

As follows are ADP Marshall, Inc.'s ("ADPM") responses to Spagnolo/Gisness & Associates, Inc.'s First Request for Production of Documents.

RESPONSE TO REQUEST NO. 1

The "incident" is not a defined term. Assuming the "incident" refers to the plaintiff's claims, all documents concerning the incident are available for inspection and copying at Haese, LLC, as they have been from at least the time of ADPM's initial disclosures.

RESPONSE TO REQUEST NO. 2

Documents responsive to this request are listed in ADPM's pretrial disclosures and are contained within the body of documents produced in response to request no. 1 and produced to ADPM by Allied Engineering.

RESPONSE TO REQUEST NO. 3

Attached as Exhibit A is a curriculum vitae for William Goode.

RESPONSE TO REQUEST NO. 4

None

RESPONSE TO REQUEST NO. 5

All such documents, should any exist, are available for inspection and copying at Haese, LLC. Responsive documents may be part of that collection of documents produced in response to request no. 1.

RESPONSE TO REQUEST NO. 6

ADPM incorporates and restates herein its response to request no. 5.

RESPONSE TO REQUEST NO. 7

ADPM incorporates and restates herein its response to request no. 5.

RESPONSE TO REQUEST NO. 8

All such documents are available for inspection and copying at Haese, LLC.

RESPONSE TO REQUEST NO. 9

All such documents are available for inspection and copying at Haese, LLC.

RESPONSE TO REQUEST NO. 10

This request is vague as to the timeframe of periodic reports. Periodic reports generated

during the project period are available for inspection and copying at Haese, LLC. Period reports or reports generated by Haese, LLC to ADPM concerning this litigation are privileged and confidential and not subject to production.

RESPONSE TO REQUEST NO. 11

All such documents are available for inspection and copying at Haese, LLC.

RESPONSE TO REQUEST NO. 12

The “incident” is not a defined term. Assuming the “incident” refers to the plaintiff’s claims, all document concerning the incident are available for inspection and copying at Haese, LLC, as they have been from at least the time of ADPM’s initial disclosures. As to damages, ADPM’s initial disclosures describe its damages. To date, defense damages are those costs incurred by Haese, LLC and ADPM in defending claims relating to Spagnolo’s work. “Indemnification” damages have not yet been quantified because there has yet to be an affirmative recovery by the MDFA.

RESPONSE TO REQUEST NO. 13

All such documents are available for inspection and copying at Haese, LLC. Further, documents describing damages allegedly incurred by the MDFA for which ADPM and its subcontractors and consultants are allegedly liable are detailed and/or described in filings and expert disclosures made in this matter on behalf of the MDFA.

RESPONSE TO REQUEST NO. 14

All such documents are available for inspection and copying at Haese, LLC. Further, documents describing damages allegedly incurred by the MDFA for which ADPM and its subcontractors and consultants are allegedly liable are detailed and/or described in filings and expert disclosures made in this matter on behalf of the MDFA.

RESPONSE TO REQUEST NO. 15

All such documents are available for inspection and copying at Haese, LLC.

RESPONSE TO REQUEST NO. 16

All such documents are available for inspection and copying at Haese, LLC.

RESPONSE TO REQUEST NO. 17

All such documents are available for inspection and copying at Haese, LLC.

RESPONSE TO REQUEST NO. 18

All such documents are available for inspection and copying at Haese, LLC.

RESPONSE TO REQUEST NO. 19

All such documents are available for inspection and copying at Haese, LLC.

RESPONSE TO REQUEST NO. 20

All such documents are available for inspection and copying at Haese, LLC.

RESPONSE TO REQUEST NO. 21

All such documents are available for inspection and copying at Haese, LLC.

RESPONSE TO REQUEST NO. 22

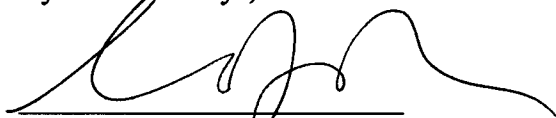
All such documents are available for inspection and copying at Haese, LLC.

Respectfully submitted,

DEFENDANTS/THIRD PARTY PLAINTIFF,

ADP Marshall, Inc.

By their attorneys,



Andrew J. Tine (BBO#633639)

Haese, LLC

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Boston, MA 02110

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing via United States Mail postage prepaid this 20th day of July, 2005 to the following:

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Vena, Riley, Deptula, LLP
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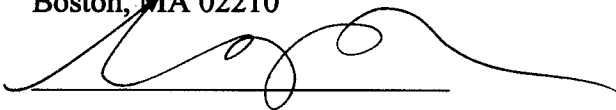
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Jay S. Gregory, Esq.
Warren Hutchison, Esq.
Donovan Hatem, LLP
Two Seaport Lane
Boston, MA 02210

A handwritten signature in black ink, appearing to be "Jay S. Gregory", is written over a horizontal line.



W.J. Goode Corporation
HVAC Engineering and Construction Consulting

William J. Goode, PE, CPE

Education

Northeastern University, Boston, MA

Bachelor of Science/Mechanical Engineering
Master of Science/Engineering Management

Registration

Professional Engineer/ Massachusetts, New Hampshire, New York, Rhode Island

Certification

Certified Plant Engineer

Licensure

Master Pipe Fitter/Massachusetts

Professional Organizations

Association for Facilities Engineering
American Society of Heating, Refrigeration & Air Conditioning Engineers
International Society of Pharmaceutical Engineers
National Academy of Forensic Engineers
National Fire Protection Association

Background

Mr. Goode is an engineer and leader with over thirty years of experience with local, national, and international clients. He excels as a consulting engineer and construction management consultant to clients who build, renovate, purchase, lease, operate, design, and sometimes litigate issues regarding buildings. Having responsibility for projects valued at over \$ 500 million, he is recognized as a practical problem solver who provides solutions for clients in a cost effective manner.

As Executive Vice President of Vanderwell Engineers, (one of the largest mechanical and electrical consulting engineering firms in the United States), he directed the engineering efforts for hospitals, medical support buildings, biotech pilot plants, research buildings, industrial manufacturing plants, heating and cooling plants, thermal distribution systems, hotels, financial service companies, office buildings, college campuses, physical fitness centers, performing art centers, retail stores, and malls.



W.J. Goode Corporation
HVAC Engineering and Construction Consulting

Representative Laboratory & Animal Facility Projects

Becton Dickinson Biotransplant	\$ 800,000 Class 1000 Biopolymer Coating Facility \$ 4 million renovation in a former wood storage facility, which included an animal facility
Celltech Chiron	Evaluation of a Design Build HVAC System for Celltech \$ 300,000 in HVAC improvements to various laboratories in a former straw hat factory.
Dartmouth College	\$ 5 million renovation of the Remsen Research Building including large and small animal housing and surgery spaces.
Digital Equipment Corporation	\$ 20 million Electronics Research Building
Duke University	\$ 50 million Levine Science and Animal Research Building.
DuPont/ Merck	\$1.5 million clean room suite for capping and filling of radio-pharmaceutical products.
Focal	\$ 3 million Laboratory in a former office building
Genetics Institute	\$ 20 million Building "F" laboratory building
Immunogen	\$ 10 million Biotech Lab & Manufacturing in a former warehouse.
Massachusetts General Hospital	\$ 22 million Wellman Biomedical Research and Animal Facilities Building and \$ 70 million Martin Laboratories & Animal Facilities in a former warehouse.
McLean Hospital	\$ 7 million Laboratory & Animal Quarters addition
Monsanto (Solutia)	\$ 2 million HVAC upgrade
Pall Filters	\$ 40 million Product Development and Testing Laboratories in a former office and manufacturing building
Saint Elizabeth's Medical Center	\$ 100,000 of corrections to Laser Laboratory Cooling System
Telor Pharmaceuticals	\$ 2 million fitup in a former industrial building
Tufts University	\$ 2 million Primate Animal Facility in a former industrial building
Vitex	\$3 million corporate research center for blood purification in a former manufacturing building.

Author

" Boilers" Chapter -- Facilities Engineering & Management Handbook
" Before You Install an Economizer" -- Power Magazine
" Sizing Relief Valves for Liquids" -- HPAC Magazine

Lecturer

Harvard Graduate School of Design
"HVAC Systems for Developers"

Trade Line Incorporated:
" HVAC Systems for Biotech Facilities"
" Mass General's Medical Research Retrofit"
" Flexible, Cost Effective, Fast Tracked Mechanical, Electrical Systems for Research Buildings"

NEMA Conference
"HVAC 101 for Museums"